

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF COWLITZ

IN RE THE MATTER OF THE RESPONSE BY COWLITZ COUNTY SUPERIOR COURT TO THE PUBLIC HEALTH EMERGENCY IN COWLITZ COUNTY AND THE STATE OF WASHINGTON	No.: 2020-0003-08 EMERGENCY ORDER No. 5-A RE: COURT OPERATIONS REPLACING NO. 4-A AND MODIFICATIONS THERETO
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FINDINGS OF FACT BASED UPON THE PUBLIC RECORD

On May 1, 2020, Governor Jay Inslee declared a continuing state of emergency due to the public health emergency posed by the coronavirus 2019 (COVID-19). Since that time there have been times of substantial increases in numbers of positive COVID-19 cases, variations of COVID-19, deployment of vaccinations, further scientific studies of the virus, and now decreasing positive cases of COVID-19.

WHEREAS, the basis for the prior Emergency Orders still exists, with modifications that incorporate the current status of the State emergency order, ongoing

recommendations of the CDC, Washington State Health Department, Cowlitz County Health Department.

WHEREAS, Cowlitz County has again seen a rising number of confirmed positive COVID cases, including additional deaths;

WHEREAS, the Court continues to recognize we serve a vulnerable population of people. In addition, whether people come to the court as a party, witness, juror, legal counsel, or as court personnel, the courtrooms are compact, jury rooms are small, jury pools can only be maintained in a small area, there are limited restrooms, and seating is compact;

WHEREAS, the Court believes that with careful planning, there are protocols that reflect all these considerations, and can be implemented to start safely reopening the doors of our Court

THEREFORE, based on the above, the mass vaccination of individuals, recommendations of the CDC, Washington State Health Department and the Cowlitz County Health Department; and given the recommendations from these departments:

It is hereby ORDERED, after finding good cause and pursuant to the authority of the Washington State Supreme Court Orders in response to the COVID-19 public health emergency, and the authority as Presiding Judge of Cowlitz County Superior Court, as follows:

1. **CRIMINAL AND CIVIL JURY AND BENCH TRIALS.**

a. All jury summons are suspended until April 5, 2021; jury trials shall resume at that time.

b. All criminal trials are stricken and CONTINUED until the week of April 5, 2021.

c. **CIVIL JURY TRIALS.** All civil jury trials are stricken through April 2, 2021. The party shall renote the matter for a new date on the Trial Scheduling docket.

d. **CIVIL BENCH TRIALS**. All civil bench trials are to be heard virtually via the ZOOM platform unless otherwise ordered by the Court.

2. **ALL OTHER CRIMINAL DOCKETS**. All other criminal cases and dockets shall be handled as follows:

a. All out of custody plea dockets shall be heard virtually via the ZOOM platform, unless otherwise ordered by the Court, until May 3, 2021. As of May 3, 2021 all out of custody plea dockets shall be heard in person at a location assigned by the Court, unless otherwise ordered by the Court. All other out of custody criminal matters shall be heard virtually via the ZOOM platform unless otherwise ordered by the Court.

b. All in custody criminal matters shall be heard virtually via the ZOOM platform unless otherwise ordered by the Court.

c. All drug court and mental health court hearings will be heard virtually via the ZOOM platform.

3. **ALL DOMESTIC DOCKETS**. The family law cases and dockets will be handled as follows:

a. All domestic motions shall remain as currently, or subsequently set and heard virtually via the ZOOM platform. Domestic matters shall be heard with oral arguments on the assigned docket. However, at their sole discretion, a judicial officer can hear a matter solely on declarations submitted in accordance with CCLCR 88; if the judicial officer decides to rule solely on the pleadings, then court administration will advise the parties they do not need to appear for the hearing. Further, the Court will issue automatic temporary orders in newly filed cases. The temporary order can be found on the Court's website at <https://cowlitzsuperiorcourt.us/>.

b. All mandatory settlement conferences will be heard virtually via the ZOOM platform.

c. All final decree hearings shall be heard virtually or by submission of the pleadings through the Ex Parte process as set forth in Cowlitz County local rule CR92 and herein.

4. **ALL OTHER CIVIL LAW DOCKETS**. The remaining civil law cases and dockets shall be heard virtually via the ZOOM platform, and handled as follows:

a. Guardianships:

i. All guardianship motions shall remain as currently, or subsequently set. Guardianship matters shall be heard with oral arguments on the assigned docket. However, at their sole discretion, a judicial officer can hear a matter solely on declarations submitted in accordance with this rule; if the judicial officer decides to rule solely on the pleadings, then court administration will advise the parties they do not need to appear for the hearing. Alternatively, where appropriate, the matter can be submitted for consideration through the Ex Parte process.

ii. On a case by case basis, longer continuances will be permitted to address barriers to accessibility and health and safety issues for Guardians ad Litem and Medical Providers in interviewing and evaluating Alleged Incapacitated Persons.

iii. In anticipation of barriers accessing Alleged Incapacitated Persons, particularly those considered vulnerable to COVID-19 and those residing in care facilities, Guardian ad Litem and other parties may note Petition for Instructions or other motion(s) to approve alternatives to in-person interviews on shortened time without prior entry of an Order Shortening Time.

b. Probates. Effective immediately, all eligible Petition for Appointment of Personal Representative or Administrator and Bonds must be presented Ex Parte via the Clerk. Walk-in/In Person presentation is no longer permitted. For those matters which require notice or otherwise are ineligible for submission Ex Parte, via the Clerk, the moving party shall note the matter on the appropriate docket. All currently scheduled probate motions

shall remain as currently, or subsequently, set. Probate matters shall be heard with oral arguments on the assigned docket. However, at their sole discretion, a judicial officer can hear a matter solely on declarations submitted in accordance with this rule; if the judicial officer decides to rule solely on the pleadings, then court administration will advise the parties they do not need to appear for the hearing. Alternatively, where appropriate, the matter can be submitted for consideration through the Ex Parte process. Parties must continue to submit original Wills as required pursuant to Chapter 11.20 RCW.

c. Adoption. All adoptions shall be heard via the ZOOM platform, unless otherwise ordered by the Court that it shall be held in person. The hearings shall be in accordance with the following process:

i. Seven days in advance of the hearing, the Note for hearing, any required check for certified copies, all the required forms and final pleadings, shall be provided to the Cowlitz County Superior Court Clerk's Office. A pre-stamped envelope shall also be provided for the Clerks to mail certified documents to the Petitioner/s following the hearing, if applicable. Once these steps have been followed, then the party shall be provided the virtual hearing information.

ii. In person hearings shall be limited to the following:

- 1 No more than ten (10) people in the courtroom, excluding court personnel.
- 2 All participants must be properly masked and maintain six (6) feet of social distancing, unless the participants reside in the same household.
- 3 Follow all other rules of the Court.

d. All Other Civil Hearings, Except Unlawful Detainers. All other civil motions not addressed above, including, but not limited to Receivership and Minor Settlements, but not Unlawful Detainers, shall be noted and heard virtually via the ZOOM platform by the Court.

e. Unlawful Detainer Cases. Any Unlawful Detainer cases controlled by the State or Federal moratoriums are suspended under the terms of those State and Federal directives. All other eviction matters will be heard virtually via the ZOOM platform.

5. **ALL MENTAL HEALTH HEARINGS AT PEACE HEALTH.** In an effort to minimize the threat to the well-being and health caused by the COVID-19 virus, the Court does hereby enact an emergency change to the timeframes of the probable cause hearing of the Involuntary

Treatment Act (ITA) (RCW 71.05) that is held within the Peace Health/St. John Medical Center's evaluation and treatment facility, as follows:

1. Pursuant to RCW 71.05.180, the time in which a probable cause hearing shall occur is 120 hours from the time of acceptance as set forth in RCW 71.05.170. This time computation of the 120 hours shall exclude Saturdays, Sundays and holidays.
2. All parties, witnesses, attorneys, court personnel (clerk and judge), and witnesses are emphatically encouraged to appear either telephonically or by audio/video conferencing.
3. Notwithstanding the foregoing, all external witnesses, e.g. police officers, members of the public, family members, social workers, etc., shall testify telephonically or via video conferencing.

6. **DEPENDENCY/TERMINATION DOCKETS AND TRIALS.** The Dependency and Termination dockets at the Youth Services Center (juvenile court), shall be handled as follows:

- a. All hearings, including dependency fact findings, shall remain as currently scheduled, or as subsequently scheduled. All hearings shall be heard virtually through the ZOOM platform, except as follows:

i. Dependency Fact Findings. Dependency fact findings, as of April 12, 2021, shall be heard in-person, subject to no more than ten (10) participants (excluding court personnel), properly wearing masks and socially distanced. Subject to Court approval, parties, attorneys or other participants may appear virtually through the ZOOM platform.

ii. Termination Trials. Termination trials, as of April 12, 2021, shall be heard in-person, subject to no more than ten (10) participants (excluding court personnel), properly wearing masks and socially distanced. Subject to Court approval, parties, attorneys, or other participants may appear virtually through the ZOOM platform.

c. Any matters that can be agreed upon by the parties, and signed off by the parties, can be submitted to the Juvenile Court Judge for review and signature.

d. All HOPE Court dockets will continue to be heard virtually through the ZOOM platform.

7. **TRUANCY DOCKETS**. The Truancy dockets at the Youth Services Center, shall be handled as follows:

a. All dockets and fact findings were cancelled until September 3, 2020. The applicable school can work with the Juvenile Court Clerk handling truancy cases, to determine new court dates so long as an extension of jurisdiction is filed by the applicable school for the 2020-2021 school year.

b. If a youth or parent appears on a warrant already issued by the Court, then the warrant will be quashed and a new court date shall be issued during the 2020-2021, or current applicable school year, so long as the applicable school files an extension of jurisdiction to the 2020-2021, or applicable school year.

c. All Truancy dockets shall be heard virtually for the current and future school years through the ZOOM platform, until further Order of this Court. If the parties are required to appear in person by the Court, then they must comply with CDC guidelines,

recommendations of the Cowlitz County Health Department, applicable Youth Services (juvenile court) policies, and all other requirements deemed necessary by the Court to protect the health and safety of the participants and staff.

8. **JUVENILE CRIMINAL DOCKETS AND FACT FINDINGS**. The juvenile criminal dockets and fact findings shall be handled as follows:

a. All out of custody juvenile criminal matters, except fact-findings, shall be heard virtually through the ZOOM platform, unless the Court otherwise authorizes an in-person hearing. Such in-person hearing shall be subject to the CDC guidelines, consideration of the recommendations from the Cowlitz County Health Department, applicable Youth Services (juvenile court) policy, and all other measures necessary for the health and safety of the participants and staff.

b. All juvenile in custody criminal matters, except fact-findings, shall be heard virtually through the ZOOM platform, unless the Court otherwise authorizes an in-person hearing. Such in-person hearing shall be subject to the CDC guidelines, all applicable Youth Services (juvenile court) policies, and any other requirements necessary to protect the health and safety of the participants and staff.

c. Juvenile fact findings (trials) shall be heard in-person, subject to the requirements set forth by the Court, including following CDC and Cowlitz County Health Department recommendations, applicable Youth Services Center (juvenile court) policy, and any other requirements necessary to protect the health and safety of the participants and staff. However, if the Court finds these requirements cannot be met, then the Court will enter an Order specifying the reasons and a basis to continue the matter.

d. All SAFE Court and ITC hearings will continue to be heard virtually through the ZOOM platform, until April 12, 2021. As of April 12, 2021 they will be heard in-person, subject to the CDC guidelines, consideration of the recommendations from the Cowlitz County Health Department, applicable Youth Services (juvenile court) policy and all other measures necessary for the health and safety of the participants and staff.

e. Juvenile court jurisdiction in all pending offender proceedings and in all cases in which an information is filed with the juvenile court prior to June 1, 2020, in which the offender will reach the age of 18 within 120 days of May 4, 2020, shall be extended to the respondent's next scheduled juvenile court hearing in which the respondent is required to appear virtually or in person.

9. **JUVENILE AT RISK YOUTH.** All At-Risk-Youth (ARY) cases shall be heard virtually, unless the Court determines it is necessary to have the parties appear in-person. If the parties are required to appear in person by the Court, then they must comply with CDC guidelines, recommendations of the Cowlitz County Health Department, applicable Youth Services (juvenile court) policies, and all other requirements deemed necessary by the Court to protect the health and safety of the participants and staff.

10. **CHILD IN NEED OF SERVICES (CHINS).** All CHINS cases shall be handled in the same manner as the dependency cases.

11. **EX PARTE DOCKETS.**

a. All in-person Ex Parte dockets are cancelled until further notice.

b. Ex Parte documents to be considered by the Court will be left with the Superior Court Clerk's Office. The Clerk will then provide the documents to the Court for the assigned judge to review. The assigned judicial officer shall review, make a decision, or request additional information, by no later than the next business day. The documents will then be returned to the Superior Court Clerk's Office for further processing.

c. If the Ex Parte request is for an immediate temporary protection order regarding domestic violence/harassment/stalking/sexual assault, the process shall occur as follows:

i. The Superior Court Clerk's office shall provide the documents requesting the immediate temporary protection order to the assigned judicial officer for review.

If the judicial officer approves the request, then the order shall be returned to the Superior Court Clerk's office for processing.

ii. If the judicial officer does not approve the request for an immediate temporary protection order, as set forth above, then the judicial officer will advise the Superior Court Clerk's office to set the matter for a hearing as soon as possible, but no later than the next judicial day. The hearing shall be held virtually unless otherwise directed by the judicial officer.

12. **DOMESTIC VIOLENCE/HARASSMENT/STALKING/SEXUAL ASSAULT CIVIL PROTECTION ORDER (PO) HEARINGS.** All Protection Order hearings shall be held virtually. For all new protection orders, it shall be required to have the ZOOM virtual hearing information included with the documents to be served on the Respondent.

WEAPONS SURRENDER COMPLIANCE HEARINGS: Petitioners shall appear virtually, unless otherwise ordered by the Court or the Respondent has already filed a "Declaration of Non-Surrender" or a "Receipt for Surrender."

13. **STATE'S PATERNITY, CONTEMPT, AND CHILD SUPPORT TRIAL DOCKETS.**

a. State paternity motions shall be handled on pleadings only, pursuant to domestic docket procedure detailed in Section 3 above.

b. The State child support contempt docket shall be heard virtually unless otherwise directed by the assigned judicial officer.

c. State trials for child support modifications or adjustments shall be handled on pleadings only, pursuant to domestic docket procedure detailed in Section 3 above. State trials for paternity and initial orders of child support shall be handled virtually.

14. **LIMITED JURISDICTION COURT APPEALS (RALJ).** RALJ matters shall be determined on the pleadings filed with the Court, unless oral argument is requested by one of the parties or the Court. Oral argument shall occur virtually, unless otherwise directed by the judicial officer hearing the appeal.

15. **GENERAL**. In general the following shall be applied:

a. Signatures.

i. The Court shall allow electronic copies of signatures, and will consider such copies as if an original signature, to include, but not limited to, scanned signatures. A party submitting a signature under this paragraph is not required to include a GR 17 affidavit. This exception shall continue until further court order.

ii. *For documents being filed with the Superior Court or Juvenile Court Clerk's Office:* THIS DOES NOT ALLOW FOR ANY PARTY, COUNSEL, OR ANY OTHER COURT PARTICIPANT FILING A DOCUMENT, TO EMAIL THE DOCUMENT TO THE SUPERIOR OR JUVENILE COURT CLERK TO HAVE THE CLERK PRINT OUT THE DOCUMENT/S FOR FILING, UNLESS OTHERWISE APPROVED BY A JUDICIAL OFFICER - THE DOCUMENTS WILL HAVE TO BE MAILED OR HAND DELIVERED.

b. Interpreters. An interpreter for a case shall not be scheduled for any hearings, unless, in addition to the regular requirements, at least forty eight hours before the hearing: a.) The attorney/party, in writing, requests Court Administration to provide an interpreter; and b.) The assigned judge approves the providing of an interpreter for that case on that docket. The sole exception is if the attorney/party does not know about the case being heard until after the forty eight hours, at which time the attorney/party must immediately comply with the requirements of the requirements set forth in this paragraph.

c. Trial Assignments (Civil/Domestic). All Civil/Domestic Trial Assignment dockets shall occur virtually.

d. Virtual Hearings. All hearings set forth herein, that are to be heard virtually, shall be carried out using the ZOOM platform unless otherwise directed by the assigned judicial officer. Information to participate in virtual hearings, including

dockets, shall be provided to the parties via email through June 12, 2020. After June 12, 2020, virtual docket login information will be available on the courts website. The Superior Court's website is <https://cowlitzsuperiorcourt.us/>.

e. **Superior Court (including those courtrooms located at the Hall of Justice, Cowlitz County Jail, and Youth Services Center [juvenile court]):** Any person, unless otherwise authorized by the Court, **shall be required to wear a mask** covering that person's nose and mouth at all times while in a Superior Court courtroom or back office area. This requirement does not apply to any child two or less years of age. If a person has a health condition that prohibits them from wearing a mask as required herein, shall be accommodated by being allowed to wear a face shield approved and provided by Superior Court. Other than the face shield, each person shall be required to provide their own mask. In addition, any person entering the Youth Services Center may be required to go through additional health screenings based on the higher standards necessary to protect all those individuals entering the detention portion of the building.

The **effective date of this Order is April 26, 2021**. This revised and extended Emergency Order No. 5-A replaces this Court's prior Emergency Order 4-A and any modifications thereto. This Court may extend the time frames in this Order as required by continuing public health emergency, and if necessary, will do so by further order.

DATED this 23rd day of April, 2021.



JUDGE GARY BASHOR
PRESIDING JUDGE OF
COWLITZ COUNTY SUPERIOR COURT